IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3425 of 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

VARDHMANKANAIYALALHIRANIHEIRSBYWILLOF-D.Z.HIRANI & 1 - Petitioner(s)

Versus

COMPETENTAUTHORITYANDDEPUTYCOLLECTOR & 1 - Respondent(s)

==========

Appearance :

NOTICE SERVED for Petitioner(s) : 1 - 2.
Mr.(s) : 1 – 2. Mr. Mengdey, AGP for State.

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 07/10/2005

ORAL JUDGMENT

In this petition under Article 226/227 of the Constitution of India, the petitioners have challenged the legality and validity of the order passed by the competent authority and Additional Collector, Urban Land Ceiling, Ahmedabad, dated 27th March 1989 and confirmed by the Gujaat Urban Land

Ceiling Tribunal, dated 31st January 1991 in Appeal No. 198 of 1989. By way of interim relief, possession by the petitioners was protected since 1991. Today, when the matter is called out, Shri M.R. Mengdey, learned AGP has produced one communication dated 5.10.2005 from the office of the competent authority and Deputy Collector, Urban Land Ceiling, addressed to him stating that the State Government has not taken over possession of the land in question. The said communication is directed to be taken on record. Under the circumstances, in view of the Repealed Act of 1976 and considering Section 4 of the Act of 1999, the present proceedings are required to be abated. Hence, the present Special Civil Application is dismissed as having been abated. Rule is discharged. No order as to costs.

[M.R. Shah, J.]

RMR.